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Message Text

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ORIGIN PM-04

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 MC-02 IGA-02 AID-05 EB-07 COME-00 OMB-01
ACDA-07 TRSE-00 /082 R

DRAFTED BY PM/SAS: RWSMITH:LD
APPROVED BY PM/SAS: MR. WINSHIP
L/PM - MR. MICHEL
EUR/CE - MR. HUMPHREY (SUBSTANCE)
EUR/SE - MR. DE LABARRE
DOD/DSAA - GENERAL FISH
PM/MC - MR. BRYANT
----------090559Z 123638 /16
R 082034Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY BONN
INFO AMEMBASSY ANKARA
USMISSION NATO
USCINCEUR

C O N F I D E N T I A L STATE 132326

E.O. 11652: GDS

TAGS: MASS, TU, GW

SUBJECT: PROPOSED FRG TRANSFER TO TURKEY

REF: A) ODC MEMO APR 15, B) REMOLE-SMITH TELCON MAY 13

1. WE CONCUR WITH DARCOM'S ADVICE TO EMBASSY THAT USG CANNOT APPROVE PROPOSED FRG PURCHASE THROUGH FMS OF FIRE CONTROL EQUIPMENT FOR TRANSFER TO TURKEY. THE FACT THAT THOSE ITEMS ARE THEMSELVES NON-LETHAL AND INEXPENSIVE DOES NOT ALTER THE SITUATION. MAJOR PROBLEM IS THAT USG HAS NO
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STATUTORY AUTHORIZATION TO PROVIDE DEFENSE EQUIPMENT THROUGH FMS FOR SOLE PURPOSE OF PERMITTING RECIPIENTS TO TRANSFER SUCH EQUIPMENT TO THIRD PARTIES.

2. IN THIS PARTICULAR CASE, WE HAVE ADDITIONAL COMPLICATION OF STATUTORY CEILING OF 125 MILLION DOLS ON FMS SALES BY USG TO TURKEY. FRG PROPOSAL WOULD CONSTITUTE A THIRD-

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PARTY TRANSFER OF FMS-ORIGIN MATERIEL TO GOT, WHICH, WHILE NOT EXPRESSLY PROHIBITED BY LEGISLATION, MUST BE WEIGHED AGAINST CONGRESSIONAL INTENT IN ESTABLISHING A SPECIFIC CEILING FOR FMS SALES TO TURKEY IN SECTION 620(X) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED. TRANSFERS SUCH AS THAT ENVISIONED BY FRG WOULD LIKELY BE VIEWED BY THE CONGRESS AS AN ATTEMPT TO EVADE THE REQUIREMENTS OF SECTION 620(X).

3. DEPARTMENT SUGGESTS TWO POSSIBLE WAYS TO RESOLVE THIS PROBLEM. ONE IS FOR THE GERMANS, OR THE TURKS, TO OBTAIN THE FIRE CONTROL EQUIPMENT THROUGH COMMERCIAL CHANNELS WHERE THE ABOVE-CITED STATUTORY REQUIREMENTS PERTAINING TO FMS TRANSACTIONS DO NOT APPLY. HOWEVER, WE UNDERSTAND THAT NOT ALL THE ITEMS ON THE FRG LIST ARE AVAILABLE THROUGH COMMERCIAL CHANNELS. THE SECOND ALTERNATIVE IS FOR THE FRG TO ASK THE TURKS TO INCLUDE THE ITEMS CONCERNED ON THEIR LIST OF DEFENSE EQUIPMENT TO BE PURCHASED FROM THE USG UNDER THE 125 MILLION DOLLARS FMS CEILING. THE LETTER OF OFFER FOR THOSE ITEMS COULD REFLECT THAT PAYMENT WOULD BE MADE BY THE TURKS (THE FRG COULD SUBSEQUENTLY REIMBURSE THE GOT) OR BY THE FRG. IN ANY EVENT, THE COST WOULD BE CHARGED AGAINST THE 125 MILLION DOLS CEILING, AND THE ITEMS WOULD BE LISTED IN THE PRESIDENTIAL DETERMINATION TO BE SUBMITTED TO THE CONGRESS AS REQUIRED BY SECTION 620(X).

4. IN EXPLAINING THIS TO FRG REPS, YOU MAY POINT OUT, IF QUESTION ARISES, THAT THIS IS DIFFERENT CASE THAN PROPOSED FRG TRANSFER TO TURKEY OF TWO FMS-ORIGIN TF-104G

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AIRCRAFT. LATTER PROPOSAL WAS FIRST RAISED PRIOR TO US EMBARGO ON MILITARY ASSISTANCE AND SALES TO TURKEY AND IS UNIQUE CASE THAT WE ARE PREPARED TO JUSTIFY TO CONGRESS ON BOTH POLITICAL AND LEGAL GROUNDS. YOU SHOULD ALSO EMPHASIZE THAT OUR POSITION ON TRANSFER OF FIRE CONTROL EQUIPMENT IS BASED ON UNIQUE US LEGISLATION APPLICABLE TO TURKEY AT THIS TIME AND IS NOT INTENDED TO RESTRICT OR LIMIT FRG MILITARY ASSISTANCE PROGRAMS TO TURKEY WHICH DO NOT INVOLVE US ORIGIN DEFENSE ARTICLES. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FIRE SAFETY, EQUIPMENT, MILITARY ASSISTANCE PROGRAMS, MILITARY SALES
Control Number: n/a
Copy: SINGLE
Sent Date: 08-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: RWSMITH:LD
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
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Office: ORIGIN PM
Original Classification: CONFIDENTIAL
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Retention: 0
Review Action: RELEASED, APPROVED
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Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
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SAS ID: 2224494
Secure: OPEN
Status: NATIVE
Subject: PROPOSED FRG TRANSFER TO TURKEY
TAGS: MASS, TU, GE, US
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vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/b870a182-c288-dd11-92da-001cc4696bcc
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